

Message Text

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TO AMCONSUL CIUDAD JUAREZ PRIORITY

AMCONSUL GUADALAJARA PRIORITY

AMCONSUL HERMOSILLO PRIORITY

AMCONSUL MATAMOROS PRIORITY

AMCONSUL MAZATLAN PRIORITY

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AMCONSUL NUEVO LAREDO PRIORITY

AMCONSUL TIJUANA PRIORITY

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E.O. 11652: N/A

TAGS: CASC, MX

SUBJECT: CONGRESSIONAL HEARINGS ON AMERICAN PRISONERS:
TRANSFER OF CASE REVIEWS TO POSTS

REF: (A) STATE 257753;(B) MEXICO 9708; (C) MEXICO 9782

1. EMBASSY REQUEST FOR THREE OFFICERS ON TDY APPROVED.
ARA NOW IDENTIFYING SPECIFIC OFFICERS WHO WILL BE ASSIGNED
TO ASSIST PROJECT OF REVIEWING BY JANUARY 20 ALL REMAIN-
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ING CASES OF AMERICAN PRISONERS IN MEXICO ARRESTED BETWEEN

DATES OF JULY 1, 1973 AND JULY 21, 1975.

2. IT IS UNDERSTOOD THESE OFFICERS WILL BE SENT AS NEEDED TO CONSTITUENT POSTS AFTER INITIAL ASSIGNMENT TO MEXICO CITY. OVERALL RESPONSIBILITY FOR THEIR WORK RESTS WITH POSTS THEY ARE ASSISTING. IN VIEW OF INTENSIFYING CONGRESSIONAL INTEREST, IT IS ALSO SUGGESTED THAT EMBASSY TRY TO LEAVE ALREADY DETAILED OFFICERS FROM OTHER UNITS ON PRISONER REVIEW WORK AS LONG AS POSSIBLE, SO THAT TDY PERSONNEL MAY COMPLEMENT RATHER THAN REPLACE THEM. SEPTELS WILL BE SENT WITH NAMES AND ARRIVAL TIMES OF TDY OFFICERS.

3. THE DEPARTMENT WILL PROVIDE POSTS WITH LISTS OF THOSE CASES WITHIN ABOVE TIME BLOCK ON WHICH DEPARTMENT HAS ALREADY INITIATED REVIEW AND WHICH WILL ONLY NEED FOLLOW-UP

INFORMATION OR ACTION BY POSTS.

4. DEPARTMENT AGREES WITH EMBASSY INTERPRETATION IN REFTEL (C) THAT TABULATION STYLE FORM NOT REPEAT NOT APPLICABLE TO THIS TYPE OF REVIEW BECAUSE OF WIDE RANGE OF FACTORS AND ISSUES INFLUENCING EACH CASE. DEPARTMENT FURTHER AGREES BEST WAY TO PROCEED IS SUGGESTED METHOD OF (A) IDENTIFYING FROM FILES SPECIFIC COMPLAINTS, EITHER DIRECTLY ALLEGED IN FILES OR DEDUCED BY REVIEWING OFFICER, (B) DETERMINING PROBABLE VALIDITY (C) RECOMMENDATIONS AND SUGGESTIONS ON IF AND HOW THEY MAY BE REMEDIED. IN THIS REGARD COPIES OF COMPLAINT MATERIAL OBTAINED FROM CONGRESSMAN STARK'S OFFICE AND OTHERS WILL BE FORWARDED TO INCORPORATE IN POST FILES.

5. DEPARTMENT DESIRES THAT INFORMATION SHOULD BE CONVEYED TO US IN SAME GENERAL FORMAT WE HAVE USED IN OUR INITIAL REVIEW TELEGRAMS OF EACH CASE SENT TO POSTS. SECOND STAGE POST REPORTS OF INFORMATION AND/OR REMEDIAL ACTION ON BASIS OF INITIAL REVIEW WILL ALSO FOLLOW PREVIOUS FORMAT. NO INTERVENING TELEGRAM FROM DEPARTMENT WILL BE SENT UNLESS ITS ADVICE IS REQUESTED, OR AN ISSUE IS RAISED WHICH WE BELIEVE SHOULD BE DEVELOPED MORE FULLY. PLEASE NOTE HOWEVER THAT MOST TELEGRAMS REPORTING POST-LIMITED OFFICIAL USE

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INITIATED REVIEWS WHICH HAVE BEEN SENT IN THE RECENT INTERIM, WHILE NOT FOLLOWING THIS TWO-STAGE FORMAT, HAVE BEEN ACCEPTABLE. AT THIS POINT IT IS REQUESTED THAT ALL POSTS ADOPT EMBASSY AND DEPARTMENT TWO-STAGE FORMAT WHERE POSSIBLE, AND APPLICABLE TO THE INDIVIDUAL CASE.

6. CHECK-LIST METHOD NOT REPEAT NOT APPROPRIATE. DEFINITE UNIFORMITY AND CONTINUITY OF APPROACH IS ESSENTIAL

SINCE WE ARE REPORTING PERIODICALLY TO CONGRESS AND MUST BUILD UPON THAT WHICH HAS BEEN PROVIDED EARLIER. BASIC GENERAL ISSUES WHICH HAVE PRESENTED THEMSELVES AS THE REVIEW EVOLVED ARE: (A) DENIAL OF PROMPT CONSULAR NOTIFICATION AND ACCESS; (B) ABUSE AT TIME OF ARREST; (C) FORCED CONFESSION (POSSIBLY WITH LACK OF INTERPRETER); (D) FREQUENCY OF CONOFF VISITATIONS AND RECORDING THEREOF; (E) CONFISCATION OF PROPERTY; (F) COMMISSIONED WORK FOR REDUCTION OF SENTENCE; (G) EXTORTION AND/OR INACTION BY ATTORNEY; (H) MISTREATMENT AND EXTORTION WHILE IN PRISON; (I) PROLONGED TRIAL DETENTION; (J) APPLICABILITY OF BAIL ("FIANZA"); (K) MISCELLANEOUS HEALTH AND LEGAL PROBLEMS NEEDING MONITORING. THIS LIST SHOULD NOT BE CONSIDERED EXCLUSIVE AS OTHER PROBLEMS MAY WELL ARISE IN

INDIVIDUAL CASES.

7. MAJOR ISSUES OF LACK OF NOTIFICATION AND DENIAL OF PROMPT CONSULAR ACCESS HAVE PROSPECTS OF AMELIORATION IN LIGHT OF RECENT GOM INSTRUCTIONS SENT OUT TO FEDERAL AUTHORITIES THROUGHOUT MEXICO THAT U.S. CONSULAR POST IN AREA BE NOTIFIED UPON ARREST OF U.S. CITIZEN. POSTS MUST CONTINUE TO MONITOR CAREFULLY TO ENSURE THAT PROMPT NOTIFICATION AND ACCESS IS IN FACT GRANTED ON A LONG RANGE CONTINUING BASIS. THIS IS A POINT WHICH SUBCOMMITTEE IS BOUND TO RAISE. IN THIS REGARD A MUTUALLY ACCEPTED DEFINITION OF PROMPT ACCESS IS LACKING, AND DISCUSSIONS WITH GOM HAVE CENTERED ON 72 HOURS BUT WITHOUT EITHER ANY ACTUAL COMMITMENT ON THEIR PART OR AGREEMENT ON WHAT CONSTITUTES 72 HOURS, I.E. CONSECUTIVE CALENDAR HOURS, WORKING HOURS, ETC. GOAL OF IMMEDIATE NOTIFICATION AND OF ACCESS WITHIN 72 CONSECUTIVE HOURS SHOULD NEVERTHELESS BE KEPT IN MIND FOR CASE REVIEW LIMITED OFFICIAL USE

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PURPOSES SINCE THIS IS ESSENTIALLY THE MINIMUM ACCEPTABLE TO US.

8. EMBASSY AND CONSTITUENT POSTS SHOULD BE PREPARED TO GIVE TDY REVIEWING OFFICERS BACKGROUND INFORMATION ON ALL ASPECTS OF AMERICAN PRISONER SITUATION, AS WELL AS INSTRUCTION IN PERTINENT LEGAL PROCEDURES AS LOCALLY INTERPRETED, SINCE TO DATE ONLY ONE OF THESE OFFICERS IS AVAILABLE IN DEPARTMENT FOR BRIEF TRAINING. TO AID POSTS IN PREPARING TDY OFFICERS TO REVIEW CASES AND CABLE REPORTS, WE ARE POUCHING COPIES OF A WORKING PAPER WHICH IS BEING USED IN DEPARTMENT TO FORMULATE CASE REVIEW TELEGRAMS. THIS IS AN IN-HOUSE DOCUMENT INTENDED ONLY FOR GUIDANCE AND CARE SHOULD BE TAKEN NOT REPEAT NOT TO CIRCULATE IT. INTENT OF WORKING PAPER IS TO SENSITIZE

REVIEWING OFFICERS TO AIMS OF EVALUATION AND METHOD OF APPROACH ON VARIOUS ISSUES; THE LATTER BY SUPPLYING SAMPLE PARAGRAPHS DESIGNED TO REFLECT VARIOUS FACTORS INFLUENCING EACH ISSUE (COMPARABLE PHRASING BY NO MEANS REQUIRED). POSTS ARE TO EXERCISE THEIR OWN JUDGMENT AS TO PRACTICAL UTILITY OF THIS PAPER, BUT NEVERTHELESS TO HAVE REVIEWING OFFICERS READ IT CAREFULLY TO FAMILIARIZE THEMSELVES WITH DEPARTMENTAL APPROACH.

9. CARE IS ALSO SUGGESTED IN OBTAINING PRISONER CONSENT TO REMEDIAL ACTION CONTEMPLATED IN ORDER TO AVOID ANY POSSIBLE BACKLASH EFFECT OR REPRISAL WITHIN PRISON OR JUDICIAL SYSTEM AGAINST THAT PRISONER. OBJECTIVITY OF POSTS IS OF COURSE RELIED UPON TO UNCOVER DIFFICULTIES WHETHER THEY REFLECT UPON CONDUCT OF LOCAL OFFICIALS OR

POSTS OWN PAST PROCEDURES AND DEFICIENCIES.

10. CASES SHOULD BE FORWARDED INDIVIDUALLY TO DEPARTMENT BY TELEGRAM AS THEY ARE COMPLETED.

11. DEPARTMENT COMPREHENDS EFFORT BEING EXPENDED ON THIS REVIEW AND IS EXTREMELY APPRECIATIVE OF EXTRA RESPONSIBILITIES ASSUMED BY ALL THE POSTS. KISSINGER

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